

# EXHIBIT – C

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:  
Date Purchased:

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WAYNE BARNES,

**SUMMONS**

Plaintiff(s),

Plaintiff designates Bronx  
County as the place of trial.

-against-

A. DUIE PYLE, INC. and JOHN DOE,  
name fictitiously given to the driver of the motor vehicle,

The basis of venue is:  
Place of occurrence

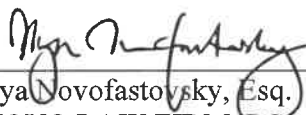
Defendant(s).

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**To the above named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
October 21, 2021

  
Ilya Novofastovsky, Esq.  
NOVO LAW FIRM, PC  
Attorneys for Plaintiff(s)  
WAYNE BARNES  
299 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007  
(212) 233-6686  
Our File No.: 21-7039  
[ilyan@novolawfirm.com](mailto:ilyan@novolawfirm.com)

TO: A. DUIE PYLE, INC.  
One Commerce Plaza  
Albany, New York 12210

*Via Secretary of the State*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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WAYNE BARNES,

Index No.:  
Date Purchased:

Plaintiff(s),

**VERIFIED COMPLAINT**

-against-

A. DUIE PYLE, INC. and JOHN DOE,  
name fictitiously given to the driver of the motor vehicle,

Defendant(s).  
-----X

Plaintiff, by his attorneys, **NOVO LAW FIRM, PC**, complaining of the Defendants,  
respectfully alleges, upon information and belief:

**PARTIES**

1. At all times herein mentioned, Plaintiff **WAYNE BARNES** was, and still is, a resident of the County of Bronx, City and State of New York.
2. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** is a foreign business corporation duly registered for business and existing under the laws of the State of New York.
3. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** is a domestic business corporation duly incorporated existing pursuant to the laws of the State of New York.
4. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** has extensive business dealings within the City and State of New York, including corporate, warehousing, logistics and transportation operations.
5. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** owned and/or operated major facilities within the City of New York located in Hunts Point (500 Oak Point Avenue, Bronx, NY 10474) and Maspeth (58-60 Page Place, Queens, NY 11378).

6. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** owned and/or operated major facilities throughout the State of New York, including locations in Newburgh, Albany, Buffalo, Syracuse.

### FACTS

7. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** was the owner of a Volvo motor vehicle, a tractor-trailer, bearing Pennsylvania State registration number AG25445 (“Truck”).

8. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** was the lessor of the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445.

9. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** was the lessee of the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445.

10. At all times herein mentioned, Defendant **JOHN DOE** operated the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445.

11. At all times herein mentioned, Defendant **JOHN DOE** operated the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445 with the permission of Defendant **A. DUIE PYLE, INC.**

12. At all times herein mentioned, Defendant **JOHN DOE** operated the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445 with the knowledge of Defendant **A. DUIE PYLE, INC.**

13. At all times herein mentioned, Defendant **JOHN DOE** operated the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445 with the consent of Defendant **A. DUIE PYLE, INC.**

14. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** managed the aforesaid motor vehicle bearing Pennsylvania State registration number AG25445.

15. At all times herein mentioned, Defendant **JOHN DOE** managed the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445.

16. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** maintained the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445.

17. At all times herein mentioned, Defendant **JOHN DOE** maintained the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445.

18. At all times herein mentioned, Defendant **A. DUIE PYLE, INC.** controlled the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445.

19. At all times herein mentioned, Defendant **JOHN DOE** controlled the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445.

20. At all times herein mentioned, Defendant **JOHN DOE** was an employee, agent and/or servant of the Defendant **A. DUIE PYLE, INC.**

21. At all times herein mentioned, Defendant **JOHN DOE** operated the aforementioned motor vehicle bearing Pennsylvania State registration number AG25445 in the scope of his employment with Defendant **A. DUIE PYLE, INC.**

22. At all times herein mentioned, Plaintiff **WAYNE BARNES** was the operator of a 2012 Acura motor vehicle bearing Connecticut State registration number AT49335.

23. At all times herein mentioned, Dupont Street at or near its intersection of Oak Point Avenue in the County of Bronx, City and State of New York, were public roadways, streets and/or thoroughfares.

24. On or about February 27, 2021, Defendant **JOHN DOE** was operating the motor vehicle bearing Pennsylvania State registration number AG25445 owned by Defendant **A. DUIE PYLE, INC.**, at the aforementioned location.

25. On or about February 27, 2021, Defendant's Truck was coming from its nearby Hunts Point facility located at 500 Oak Point Ave, Bronx, NY 10474.

26. On or about February 27, 2021, Plaintiff **WAYNE BARNES** was operating his motor vehicle bearing Connecticut State registration number AT49335, at the aforementioned location.

27. On or about February 27, 2021, at the aforementioned location, the motor vehicle bearing Pennsylvania State registration number AG25445 owned by Defendant **A. DUIE PYLE, INC.** and operated by Defendant **JOHN DOE** collided with or came into contact with the motor vehicle bearing Connecticut State registration number AT49335 operated by Plaintiff **WAYNE BARNES**.

**AS FOR A CAUSE OF ACTION  
INJURED OPERATOR WAYNE BARNES**

28. That as a result of the aforesaid contact, Plaintiff **WAYNE BARNES** was injured.

29. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.

30. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

31. That by reason of the foregoing, Plaintiff **WAYNE BARNES** sustained severe and permanent personal injuries; and Plaintiff **WAYNE BARNES** was otherwise damaged.

32. That Plaintiff **WAYNE BARNES** sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

33. That Plaintiff **WAYNE BARNES** sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

34. That Plaintiff **WAYNE BARNES** is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking only to recover those damages not recoverable through no-fault insurance under the facts and circumstances in this action.

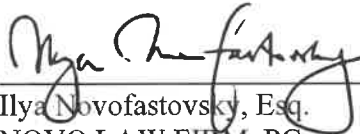
35. That this action falls within one or more of the exceptions set forth in CPLR §1602.

36. That by reason of the foregoing, Plaintiff **WAYNE BARNES** has been damaged in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff demands judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York  
October 21, 2021

Yours, etc.



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Ilya Novofastovsky, Esq.  
NOVO LAW FIRM, PC  
Attorneys for Plaintiff(s)  
WAYNE BARNES  
299 Broadway, 17<sup>th</sup> Floor  
New York, New York 10007  
(212) 233-6686  
Our File No.: 21-7039  
[ilyan@novolawfirm.com](mailto:ilyan@novolawfirm.com)



INDIVIDUAL VERIFICATION

STATE OF NEW YORK       )  
  ) ss:  
COUNTY OF New York )

Wayne Barnes, being duly sworn, deposes and says:  
that deponent is the plaintiff in the within action; that deponent has read the  
foregoing COMPLAINT and knows the contents thereof;  
that the same is true to deponent's own knowledge, except as to the matters therein  
stated to be alleged on information and belief, and that as to those matters, deponent  
believes them to be true.

X Wayne Barnes

Sworn to before me this

21<sup>st</sup> day of October, 2021

A. Verkhavets  
Notary Public

ANDREI VERKHAVETS  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01VE6226356  
Qualified in Richmond County  
Commission Expires Sep. 15, 2022

NYSCEF DOC. NO. 2

RECEIVED NYSCEF: 11/03/2021



P5580972

ATTORNEY(s) : Novo Law Firm

INDEX # : 814392/2021E

PURCHASED/FILED :

STATE OF : NEW YORK

COURT : Supreme

COUNTY/DISTRICT : Bronx

**AFFIDAVIT OF SERVICE - SECRETARY OF STATE**

Wayne Barnes

Plaintiff(s)

against

A. Dule Pyle, Inc., et al

Defendant(s)

STATE OF NEW YORK )  
COUNTY OF ALBANY ) SS  
CITY OF ALBANY )

**DESCRIPTION OF PERSON SERVED:**

Approx. Age: 40 yrs

Weight: 200 lbs Height: 5' 0" Sex: Female Color of skin: White

Hair color: Black Other:

**Robert Guyette**, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; is not a party to this action, and resides in the State of NY, and that on **October 27, 2021**, at **12:55 PM**, at the office of the Secretary of State of the State of NY, located at 99 Washington Ave, 6th Fl, Albany, New York 12231 deponent served:

**Summons and Verified Complaint with Notice of Electronic Filing**

on

**A. Dule Pyle, Inc**

the Defendant in this action, by delivering to and leaving with **Colleen Banahan** AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of **\$40** dollars; That said service was made pursuant to Section **BUSINESS CORPORATION LAW §306.**

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Sworn to before me on this

27th day of October 2021

FAITH COZZY

NOTARY PUBLIC, State of New York  
No. 01CO6158874, Albany County  
Commission Expires Jan 8, 2023

Robert Guyette

Invoice-Work Order # 2134952  
Attorney File # 5580972